

# NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.05 I, Closed Area No. 28-A, Port Clyde to Gay Island, Cushing, promulgated on May 22, 1997 is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.05 I, Closed Area No. 28-A, Port Clyde and the St. George Islands, St. George and Cushing.

1. Effective immediately, because of potential and actual microbiological pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Port Clyde and the Georges Islands in the following five (5) sections:
  - A. That area east of a line drawn from the western tip of Hupper Point, St. George, then running southerly to the northwest prominence of Hupper Island; AND north of a line drawn southwest from the tip of Marshall Point to the most southern tip of Hupper Island.
  - B. That area on Teele Island beginning at the most northern portion of the pier on the northwestern shore and continuing along the shore in an easterly direction to the most eastern unnamed point on the island.
  - C. That portion of Caldwell Island beginning at the unnamed point on the southwest end of the island and continuing along the shore in an easterly direction around the southern end of the island 500 feet east of the house on the southern end of the island.
  - D. That area north of a line drawn from the southwestern most point on McGee Island to the unnamed point on the western shore of Barter Island AND west of a line drawn from the most southeastern point on McGee Island to the most northeastern point on Barter Island.
  - E. That area north of a line drawn south from the most narrow portion of Gay Island to the most southern tip of the unnamed point on the northern mouth of Gay Cove.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: September 23, 1999

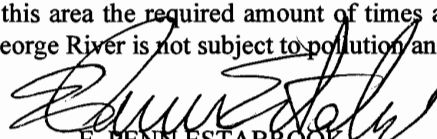
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THE COURIER GAZETTE  
September 30, 1999

## STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 I, Closed Area No. 28-A, Port Clyde and the St. George Islands promulgated on May 22, 1997 and replaces it with a new rule. This new regulation decreases the size of the previous closed area around the George's Islands.

Department personnel surveyed and sampled this area the required amount of times and have determined that the newly opened area near the mouth of the St. George River is not subject to pollution and can be opened.

  
E. PENN ESTABROOK  
DEPUTY COMMISSIONER

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# Department of Marine Resources

Legal Notice of Shellfish Closure Area 28A

Port Clyde and the St George Islands, St George and Cushing

